



Parramatta City Council

Tree Preservation Order

NOTICE is given that on 9 December 1996 **Parramatta City Tree Management Policy** resolved to make a Tree Preservation Order in the following terms:

(1) Citation

Council considers it expedient for the purpose of securing amenity and preserving existing amenity to rescind all tree preservation orders presently in force in the Parramatta City Council area and to make a new Tree Preservation Order to be known as the Parramatta Tree Preservation Order 1996, to apply to the whole area.

That all tree preservation orders presently in force in the area are hereby rescinded.

That this Order shall apply to all land being publicly or privately owned throughout the Parramatta City Council area.

(2) Land to which this Order applies

This Order applies to all land within the Parramatta City Council area.

(3) Trees to which the Order applies

The Order applies to:

- (a) any tree, whether indigenous, endemic, exotic or introduced species with a height equal to or exceeding 5 metres, not being a cycad, palm or mangrove;
- (b) any cycad, palm or mangrove irrespective of dimensions;
- (c) any bushland.

(4) Definitions

“**Council**” means the Parramatta City Council or any officer or delegated authority authorised to act on behalf of the Council.

“**Bushland**” has the same meaning as that defined in ‘State Environmental Planning Policy No. 19 – Bushland in Urban Areas, refer to Bushland Management Policy.

“**Dead Tree**” means a tree which is no longer capable of performing any of the following *processes* or is exhibiting any of the following *symptoms*:

Processes

Photosynthesis via its foliage crown (as indicated by the presence of moist, green or other coloured leaves);
Osmosis (the ability of the roots system to take up water);
Turgidity (the ability of the plant to hold moisture in its cells);
Epicormic shoots (the production of new shoots as a response to stress, generated from buds under the bark or from a lignotuber – an underground stem);

Symptoms

Permanent leaf loss in both deciduous and evergreen plants;
Permanent wilting (the loss of turgidity which is marked by drying out of stems, leaves and roots);
Shedding of the epidermis (bark dries out and peels off to the beginning of the sapwood – new wood).
“**Height**” means the distance measured vertically between the horizontal plane of the lowest point of the base of the tree which is immediately above ground and the horizontal plane of the uppermost point of the tree.

“**Injury**” and “**Wilful Destruction**” includes the administering of a chemical or artificial substance to a tree or part of a tree or, the alteration of ground level or water table which causes damage to the tree or any part of the tree. This to include physical injury especially by machinery on construction sites.

“**Lopping**” means “**Pruning**”.

“**Owner**” has the meaning ascribed to it in the Local Government Act, 1993, No. 30.

“**Pruning**” means the removal of any stem/s back to the intersection of another stem/s to a swollen area of the intersection called the branch collar. This also means any act or acts of severing any part of a tree so as to cause reduction of the air space occupied by the branches and foliage of a tree. All pruning is to conform to Australian Standard AS 4373 – 1996 “Pruning of amenity trees”. This does not include “topping” or “top lopping” or the “reduction in height” of any tree.

“**Removal**” and “**Cutting Down**” means the cutting down of a tree so that the tree, including its branches, foliage, trunk, stump and root system will not regrow. This includes the poisoning of the stump and/or roots and/or removal or grinding out of its remains to prevent regrowth. “**Transplanting**” is “**Removal**” when a tree is relocated from one property to another.

“**Topping**” or “**Top Lopping**” means any act or acts of severing any part of a tree so as to cause the reduction of the height of a tree other than removal or cutting down and is prohibited.

“**Tree**” long lived woody perennial plant greater than (or potentially greater than) 5 metres in height with one or relatively few stems (Australian Standard AS 4373-1996 “Pruning of amenity trees”).

(5) Prohibition

Except as otherwise provided in this Order, a person shall not prune, remove, ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree including bushland except with the consent of Council under this Order and in accordance with any consent and any considerations thereof.

(6) Consents

(6.1) Public owned land including Council Reserves/Road Reserves

An application for a consent to prune, remove, ringbark, cut down, top, lop, injure or wilfully destroy a tree or trees including bushland shall be made on Council’s Application for consent to prune or remove a tree. Only Council or its duly authorised servants or agents are permitted to carry out the pruning, removal, ringbarking, cutting down, topping, lopping, injuring or destroying of a tree or trees including bushland from the said public land. Council will only prune or remove trees for essential tree maintenance. Council will not consider applications for the removal of trees including bushland on public land solely for the purpose of improving views from the properties in the locality. Any non-essential or cosmetic pruning for view or additional solar access or other reasons will be required to be approved by Council. All work will be conducted to Council’s standards and specifications as determined by the Council. The cost of all non-essential works will be the responsibility of the applicant. Any such works will be carried out by Council or an authorised agent.



Parramatta City Council

(6.2) Private Property

An application for consent to prune; remove; ringbark; cut down; top; lop; injure or wilfully destroy a tree or trees including bushland shall be made on Council's Application for consent to prune or remove a tree by the owner of the land on which the act of pruning, removal, ringbarking, cutting down, topping, lopping, injuring or destruction is to be carried out or by any person with the consent in writing of that owner.

(6.2.1)

Any consent issued under this Order, other than a consent referred to in Clause (6.2.2) shall be subject to the condition that the consent shall lapse if the works referred to in the consent have not been carried out within 12 months from the date of consent.

(6.2.2)

Any consent issued under this Order in conjunction with a subdivision approval granted under the Local Government Act 1919 or a building approval under the Local Government Act 1993 or a development consent granted under the Environmental Planning and Assessment Act 1979, shall be subject to the condition that the consent shall lapse if the subdivision approval, building approval or development consent lapses or becomes invalid or void.

(6.2.3)

Applications for consent for the pruning or removal of trees subject to works requiring consent under a Development or Building Application are to be submitted with those application/s for assessment by Council's Tree Management Section. Consent for pruning or removal of trees will be issued concurrently with Development and Building Application consents.

(6.2.4)

Where a Council Public Works project requires tree/s to be pruned or removed consent must be sought at the planning stage in consultation with Council's Tree Management Section.

(6.2.5)

Any consent issued under this Order shall be subject to the condition that the works the subject of consent shall not be carried out unless the consent or a copy of the consent:

(a) is present on the land on which the works are to be carried out prior to the commencement of and during the carrying out of the works, and

(b) shall be produced by the person or persons carrying out the work forthwith on demand by Council's duly authorised officers, servants or agents to that officer, servant or agent.

(7) Exemptions

The owner of the land being private property or person with the consent of Council on private property only under this Order on that land carry out the work of pruning, removal, ringbarking, cutting down, topping, lopping, injuring or wilfully destroying a tree including bushland where the tree:

(a) is dead (but dead tree habitat potential should be considered), or the removal of dead branches;

- (b) is of a species that has been declared a noxious plant under the Noxious Weeds Act 1993;
- (c) is of a species referred to in the List of Undesirable Trees in Clause (8) of this Order;
- (d) is of a species *Populus spp* – Poplar, *Salix spp* – Willow, *Cinnamomum camphora* – Camphor Laurel and *Liquidambar styraciflua* – Liquidambar where the trunk of such tree is located within 5 metres of any sewer, single storey dwelling or commercial building (not being an out building);
- (e) is a fruit tree or tree grown for the purpose of fruit or fodder production except *Acmena spp* – Lilly Pilly, *Syzygium spp* – Lilly Pilly and *Elaeocarpus spp* – Blueberry Ash;
- (f) is on public land as defined as "Bushland" by State Environmental Planning Policy No. 19 (SEPP19) and is an undesirable tree species listed in Clause (8) or locally non-indigenous or exotic trees not included on that list but as determined by Council's Bushland Management Section;
- (g) is any species of parasitic mistletoe or parasitic plant being removed from any part of a tree to ameliorate the affects upon the tree of such a parasite.

(8) List of Undesirable Trees in Parramatta City Council Area (excluding land subject to Heritage legislation)

(8.1) The trees listed in Clause (8.2) are identified by their botanical name (common names are provided as reference only). Cultivated varieties (*cvs.*) of the trees listed in Clause (8.2) are not included for exemption except where specified.

(8.2) Undesirable Trees: (Botanical Name – Common Name)

| | |
|-----------------------------------|----------------------|
| <i>Acacia baileyana</i> | Cootamundra Wattle |
| <i>Acacia salignus</i> | Wattle |
| <i>Albizia lophantha</i> | Crested Wattle |
| <i>Ailanthus altissima</i> | Tree of Heaven |
| <i>Erythrina spp.</i> | Coral Trees |
| <i>Ficus elastica</i> | Rubber Tree |
| <i>Gleditsia triacanthos</i> | Honey Locust |
| <i>Lagunana patersonii</i> | Norfolk Is. Hibiscus |
| <i>Ligustrum lucidum and cvs.</i> | Large Leaf Privet |
| <i>Ligustrum sinense</i> | Small Leaf Privet |
| <i>Olea europea var. africana</i> | African Olive |
| <i>Robinia pseudoacacia</i> | False Acacia |
| <i>Schefflera actinophylla</i> | Umbrella Tree |
| <i>Schinus terebinthifolius</i> | Brazilian Mastic |
| <i>Syagrus romanzoffianum</i> | Cocos Palm |
| <i>Melia azedarach</i> | White Cedar |

(9) Penalties

A person found guilty of an offence for a contravention of this Order may be fined up to \$1,100,000 if dealt with in the Land & Environment Court or up to \$110,000 if dealt with in the Local Court.